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1952

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L.D. Vol.

~~File~~ No. O. Essential
Supplies (En. of Penalties)

Legal Department
A BRANCH
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Subject:— Opinions under the Bombay
Essential Supplies (Temporary Powers)
and the Essential Commodities and
Cattle Control (Enhancement of Penalties)
Act, 1947

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8089
1. R.I.No. 9089/23-4-52.

O.No. 8825/27-5-52

Question whether the Magistrates, empowered by Govt. to pass orders of enhance punishments in exercise of the powers conferred by sec. 3 of the Bombay Essential Supplies (Temporary Powers) and the Essential Commodities and Cattle Control (Enforcement of Penalties) Act, 1947, will be able to exercise the powers conferred on them on their transfer to another Dist. The Bombay Essential Supplies (Temporary Powers) Act, 1946, and Bombay Essential Supplies (Temporary Powers) and Essential Commodities and Cattle Control (Enforcement of Penalties) Act, 1947 and Cr.P.Code 1898, sec. 40.

RAN
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ASJ
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Exercise of Special
Powers on transfer
Essential Supplies
(Temporary Powers)
Act, 1946 and
Bombay Essential
Supplies (Temporary
Powers) & Essential
Commodities &
Cattle (Control)
(Enhancement of
Penalties) Act,
1947 and
Criminal Procedure
Code, 1898.

To avoid all doubts it would be safer to
empower the officers concerned ~~again~~ on their
~~transfer~~ or to empower them once for all either
by ~~any~~ names or by virtue of office. Section
40, Criminal Procedure Code will ~~have~~ ^{have} no applica-
tion to this case, If the principle ^{underlying} ~~underlying~~
that section is to be made applicable, express
provision will have to be made in the enactments
concerned.

Sd./- P.M.L.
26/5/
Remembrancer of Legal Affairs

U.R. to H.D., No. 6825; dated the 27th May 58.

SVV
1, 6, 56.
4 c.